

THE INSTITUTE FOR JUSTICE

Joseph Gay*
jgay@ij.org
Robert Frommer*
rfrommer@ij.org
901 N. Glebe Rd. Suite 900
Arlington, VA 22203
Tel. (703) 682-9320

Robert E. Johnson*
rjohnson@ij.org
16781 Chagrin Blvd. Suite 256
Shaker Heights, OH 44120
Tel. (703) 682-9320

* Admitted *pro hac vice*.

THE VORA LAW FIRM, P.C.

Nilay U. Vora (SBN 268339)
nvora@voralaw.com
Jeffrey Atteberry (SBN 266728)
jatteberry@voralaw.com
201 Santa Monica Blvd., Ste. 300
Santa Monica, California 90401
Tel. (424) 258-5190

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

DONALD LEO MELLEIN,
Plaintiff,

v.

**UNITED STATES OF AMERICA;
Federal Bureau of Investigation
Special Agent LYNNE ZELLHART,
in her individual capacity; and DOES
1 through 5, Federal Bureau of
Investigation agents in their
individual capacities,**

Defendants.

Case No. 2:23-cv-07970-RGK-MAR

AFFIDAVIT OF SERVICE

Judge: Hon. R. Gary Klausner
Complaint Filed: September 22, 2023

1 I, Kyndra Griffin, declare and state as follows:

2 1. At the time of service, I was over 18 years of age and not a party to the
3 above-captioned action.

4 2. I am employed by the Institute for Justice in the County of Arlington,
5 State of Virginia. My business address is Institute for Justice, 901 N. Glebe Road,
6 Suite 900, Arlington, VA 22203.

7 3. I hereby certify that I was directed to serve defendants by counsel
8 Jeffrey Atteberry of the Vora Law Firm, a member of the Bar of this Court with
9 whom my firm is associated with as Local Counsel on this case.

10 4. I further certify that on **Monday, October 16, 2023** I caused to be
11 served by Certified Mail true and correct copies of the following documents on
12 Defendant the United States of America:

13 ECF 1 Complaint

14 ECF 2 Proposed Summons on the U.S.A. c/o U.S. Attorney General
15 Merrick Garland

16 ECF 2-1 Proposed Summons on Lynne Zellhart (in her individual capacity)

17 ECF 2-2 Proposed Summons on DOES 1 through 5, FBI Agents (in their
18 individual capacities)

19 ECF 3 Civil Coversheet

20 ECF 3-1 Attachment to Civil Cover Sheet

21 ECF 4 Certification and Notice of Interested Parties (Local Rule 7.1-1)

22 ECF 4-1 Attachment to Certification and Notice of Interested
23 Parties

24 ECF 5 Plaintiff's Notice of Related Cases

25 ECF 6 Notice of Pendency of Other Actions or Proceedings

26 ECF 7 Notice of Assignment to U.S. District Judge, Consuelo B. Marshall
27 -Standing Order of Judge Marshall included in summons packet
28

1 ECF 8 Notice to Counsel Re Consent to Proceed Before a U.S. Magistrate
2 Judge

3 ECF 9 Issued Summons to U.S.A. c/o U.S. Attorney General Merrick
4 Garland

5 ECF 9-1 Issued Summons to Lynne Zellhart (in her individual capacity)

6 ECF 9-2 Issued Summons to DOES 1 through 5, FBI Agents (in their
7 individual capacities)

8 ECF 10 Notice of *Pro Hac Vice* Application Due for Joseph Gay

9 ECF 11 Notice of *Pro Hac Vice* Application Due for Robert Frommer

10 ECF 12 Notice of *Pro Hac Vice* Application Due for Robert E. Johnson

11 ECF 13 Joseph R. Gay, Application of Non-Resident Attorney to Appear
12 *Pro Hac Vice*

13 ECF 13-1 Proposed Order on Joseph R. Gay *Pro Hac Vice*
14 Application

15 ECF 14 Robert P. Frommer, Application of Non-Resident Attorney to
16 Appear *Pro Hac Vice*

17 ECF 14-1 Proposed Order on Robert P. Frommer *Pro Hac*
18 *Vice* Application

19 ECF 15 Robert E. Johnson, Application of Non-Resident Attorney to Appear
20 *Pro Hac Vice*

21 ECF 15-1 Proposed Order on Robert E. Johnson *Pro Hac*
22 *Vice* Application

23 ECF 16 Notice to Filer of Deficiencies in E-Filed *Pro Hac Vice* Applications
24 Document Numbers ECF 13, 14, 15

25 ECF 17 Joseph R. Gay, Application of Non-Resident Attorney to Appear
26 *Pro Hac Vice*

27 ECF 17-1 Proposed Order on Joseph R. Gay *Pro Hac Vice*
28 Application

1 ECF 18 Robert P. Frommer, Application of Non-Resident Attorney to
2 Appear *Pro Hac Vice*

3 ECF 18-1 Proposed Order on Robert P. Frommer *Pro Hac*
4 *Vice* Application

5 ECF 19 Robert E. Johnson, Application of Non-Resident Attorney to Appear
6 *Pro Hac Vice*

7 ECF 19-1 Proposed Order on Robert E. Johnson *Pro Hac*
8 *Vice* Application

9 ECF 20 Order Re Transfer (Related Cases) to Judge R. Gary Klausner

10 ECF 21 Standing Order Regarding Newly Assigned Cases – Judge Klausner

11 ECF 22 Order granting *Pro Hac Vice* Application of Joseph R. Gay

12 ECF 23 Order granting *Pro Hac Vice* Application of Robert P. Frommer

13 ECF 24 Order granting *Pro Hac Vice* Application of Robert E. Johnson

14 ECF 25 Non-Document Order Vacating as Moot the Orders Granting *Pro*
15 *Hac Vice* Applications Documents ECF 22, 23, 24 and Denying
16 those applications Documents ECF 17, 18, 19, due to deficient name
17 change regarding associated local counsel

18 ECF 26 Joseph R. Gay, Application of Non-Resident Attorney to Appear
19 *Pro Hac Vice*

20 ECF 26-1 DC Certificate of Good Standing

21 ECF 26-2 NY Certificate of Good Standing

22 ECF 26-3 Proposed Order on Joseph R. Gay *Pro Hac Vice*
23 Application

24 ECF 27 Robert P. Frommer, Application of Non-Resident Attorney to
25 Appear *Pro Hac Vice*

26 ECF 27-1 DC Certificate of Good Standing

27 ECF 27-2 VA Certificate of Good Standing
28

ECF 27-3 Proposed Order on Robert P. Frommer *Pro Hac Vice* Application

ECF 28 Robert E. Johnson, Application of Non-Resident Attorney to Appear *Pro Hac Vice*

ECF 28-1 DC Certificate of Good Standing

ECF 28-2 VA Certificate of Good Standing

ECF 28-3 OH Certificate of Good Standing

ECF 28-4 Proposed Order on Robert E. Johnson *Pro Hac Vice* Application

ECF 29 Order granting *Pro Hac Vice* Application of Joseph R. Gay

ECF 30 Order granting *Pro Hac Vice* Application of Robert P. Frommer

ECF 31 Order granting *Pro Hac Vice* Application of Robert E. Johnson

5. I served Defendant by mailing copies of the above documents to the following persons in accordance with Fed. R. Civ. P. 4(i)(1):

United States of America	United States of America
c/o U.S. Attorney General	c/o U.S. Attorney's Office, C.D. of California
Merrick Garland	Civil Process Clerk
U.S. Department of Justice	Federal Building
950 Pennsylvania Avenue, NW	300 North Los Angeles Street, Suite 7516
Washington, DC 20530-0001	Los Angeles, California 90012-3341

6. I served true and correct copies of the documents listed in para. 4 on the persons and addresses listed in para. 5 via USPS certified mail by placing the documents to be served in sealed and addressed envelopes, postage prepaid, and by personally depositing the envelopes with the U.S. Postal Service Office located in Silver Spring, MD.

7. Attached to this affidavit as Exhibit A are true and correct copies of the Certified mail receipts for the above mailings reflecting tracking numbers:

1 9589071052701400878692 (U.S. Attorney General, Merrick Garland) and
2 9589071052701400878708 (U.S. Attorney General for the Central District of
3 California).

4 8. Attached to this affidavit as Exhibit B are the email notifications
5 showing that package 9589071052701400878692 (U.S. Attorney General, Merrick
6 Garland) was delivered via individual pick-up on Wednesday October 18, 2023 and
7 package 9589071052701400878708 (U.S. Attorney General for the Central District
8 of California) was delivered to the front desk, reception area, or mail room on
9 Wednesday October 18, 2023.

10
11 I declare under penalty of perjury under the laws of the United States that the
12 foregoing is true and correct.

13 Executed this 20th day of October, 2023.

14
15 
16 _____
17 Kyndra Griffin